

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

DR. ROBERT W. MALONE,

Plaintiff,

v.

PETER R. BREGGIN, MD., *et al.*,

Defendants.

CASE NO. 3:22-cv-00063

ORDER

JUDGE NORMAN K. MOON

Within 21 days after Defendants filed their motion to dismiss the original complaint, Dkt. 22, 24, Plaintiffs filed an amended complaint, Dkt. 37. *See* Fed. R. Civ. P. 15(a)(1)(B) (permitting filing of an amended complaint as of right within 21 days of service of a Rule 12(b) motion). Defendants' motions to dismiss the original complaint has been mooted by the filing of amended complaint, as that amended pleading supersedes the original complaint and rendered it of no effect. *Young v. City of Mount Ranier*, 238 F.3d 567, 572 (4th Cir. 2001). Accordingly, the Court will **DENY as moot** Defendants' motions to dismiss the original complaint. Dkts. 22, 24.

It is so **ORDERED**.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

Entered this 11th day of July, 2023.



NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE